

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LP MATTHEWS, L.L.C.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-1507 (SLR)
	)	JURY TRIAL DEMANDED
BATH & BODY WORKS, INC.,	)	
and	)	
LIMITED BRANDS, INC.,	)	
and	)	
KAO BRANDS CO. (f/k/a THE ANDREW	)	
JERGENS COMPANY),	)	
and	)	
KAO CORPORATION,	)	
	)	
Defendants.	)	

**DECLARATION OF DAVID M. HILL IN SUPPORT OF THE  
OPENING BRIEF IN SUPPORT OF DEFENDANTS BATH & BODY  
WORKS, INC. AND LIMITED BRANDS, INC.'S MOTION FOR  
SUMMARY JUDGMENT OF INVALIDITY UNDER 35 U.S.C. § 102**

I, David M. Hill, hereby declare as follows:

1. I am a partner of Ward & Olivo, counsel of record in this action for Defendants Bath & Body Works, Inc. and Limited Brands, Inc. (collectively referred to as the "Limited Defendants"). I am a member of the Bar of the State of New York and have been admitted *pro hac vice* to represent the Limited Defendants in this action. I have personal knowledge of the matters stated in this declaration and would testify truthfully if called upon to do so.
2. Attached hereto as Exhibit A is a true and correct copy of United States Patent No. 5,063,062, dated November 5, 1991.
3. Attached hereto as Exhibit B is a true and correct copy of United States Patent No. 4,014,995, dated March 29, 1977.

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from George Hurst's book entitled *Soaps, A Practical Manual of the Manufacture of Domestic Toilet and Other Soaps*, Second Edition, dated 1907.

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the January 14, 2006 deposition of Phillip Low.

6. Attached hereto as Exhibit E is a true and correct copy of the Updated Expert Report of Christopher T. Rhodes Pursuant to Federal Rule of Civil Procedure 26(A)(2)(b), dated March 6, 2006.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at New York, New York, this 6<sup>th</sup> day of July, 2006.

  
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David M. Hill